

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gail Hart Johnson,)	
)	C/A No. 5:09-1421-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
South Carolina State University,)	
)	
Defendant.)	
_____)	

Plaintiff Gail Hart Johnson, proceeding pro se, filed the within action against her former employer, Defendant South Carolina State University, on June 1, 2009. Plaintiff asserts claims for (1) intentional infliction of emotional distress, (2) slander and defamation, (3) perjury and false imprisonment, (4) violation of her rights under the First, Fifth, and Fourteenth Amendments, (5) conspiracy to interfere with civil rights, obstructing justice, and intimidation. See generally Complaint (Entry 1).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to applicable precedents. The Magistrate Judge filed a Report and Recommendation on June 4, 2009. The Magistrate Judge noted that the claims contained in the captioned matter were raised in a prior action, Johnson v. South Carolina State University, C/A No. 5:07-1584-MBS, which action was dismissed with prejudice pursuant to Fed. R. Civ. P. 37(b) and 41(b). The Magistrate Judge determined that the within case is barred by the doctrine of res judicata. Thus, the Magistrate Judge recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The action is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 24, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.